

**FLATHEAD COUNTY PLANNING BOARD MEETING  
MINUTES OF THE MEETING  
OCTOBER 18, 2006**

**CALL TO ORDER** A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Charles Lapp, Frank DeKort, Randy Toavs, Gordon Cross, Jeff Larsen, Gene Dziza, and Kathy Robertson were present. Don Hines and Kim Fleming were absent. Annie Thompson, Rebecca Shaw, Traci Tull, and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were approximately 15 people in the audience.

**PUBLIC REVIEW** Jeff Larsen reviewed the public hearing process for the public.

**APPROVAL OF MINUTES** No minutes were approved at this meeting.

**PUBLIC COMMENT** None.

**PRELIMINARY PLAT/  
HARBOR VILLAGE AT  
EAGLE BEND  
PHASE 6  
(FPP 06-49)** A request by Rocky Mountain Recreational Communities, LLC for Preliminary Plat approval of the Harbor Village at Eagle Bend, Phase 6 Subdivision, a four (4) lot (2 lot single-family residential and 2 lot commercial) subdivision on 7.19 acres. Commercial lot 2 will contain forty-eight (48) storage unit condominiums. Lots in the subdivision are proposed to use existing water and sewer systems. The property is located at 560 Holt Drive.

**STAFF REPORT** Rebecca Shaw reviewed Staff Report FPP 06-49 for the Board.

**BOARD QUESTIONS** Lapp asked Staff to further explain the parkland.

Shaw said the parkland they are proposing is the golf course. She said section 3.192(E) in the Subdivision Regulations says the golf course would be unsuitable for parkland.

Lapp pointed out the commercial lots should not have been used to calculate parkland.

Shaw said she would correct her calculation.

**APPLICANT** Dan Manning, general manager of Harbor Village, presented a map of the Harbor Village development and pointed some things out. He reviewed the staff report and went through some of the things they would like the Board to consider removing. He expressed concern for conditions 8 and 9.

DeKort asked if a certain area is blacktop.

Manning said no, it's crushed gravel.

Robertson talked about the catch basin for contaminated oil.

**APPLICANT  
CONTINUED...**

Cross asked Manning if there is water & sewer there now and asked about a restroom onsite.

Manning said no but pointed out the restroom on a particular lot, which is where the boats are.

Cross asked about the storage condominiums.

Manning said they are big and long for someone with a motor home or big boat to store.

Brian Long, of Long Engineering, prepared the technical data for this project. He talked about sizes of the lots, RC-1 zoning performance standards, and the intent of the storage units. He pointed out the variance request for access directly onto Holt Stage Rd. He reviewed a couple of conditions and pointed out how they'd like to have them revised. He handed out some photos for the Board's review and talked about a previously granted Conditional Use Permit on this property. He talked about cash-in-lieu of parkland and said according to the regulations it should not be required because they are only creating one additional residential lot; commercial lots are exempt. He said Harbor Village has given 142 acres, which is the golf course, and 31 additional acres in a conservation easement. He said overall they have given back 173 of 262 acres. He commented on a letter received in opposition and said it mostly addressed the Conditional Use Permit. He said this application was unanimously recommended for approval by the BLUAC.

Cross asked about the condominium storage units.

Long said it will be managed by the Marina.

**AGENCIES**

None present.

**PUBLIC  
COMMENT**

None.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

None.

**MAIN MOTION**

Dziza made a motion seconded by Toavs to adopt Staff Report FPP 06-49 as findings of fact and recommended approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Robertson said she was disappointed to see the layout being changed. She thinks the Board has an obligation to hold this project because the appropriate agencies haven't seen the revised plan.

Lapp commented on paving, layout, and landscaping.

Cross spoke in favor of having a facility in place for people to wash their boats and RV's in a safe manner.

**BOARD  
DISCUSSION  
CONTINUED...**

Larsen asked if the Road Department received an agency referral.

Shaw said yes, all regular agencies received one.

**AMEND  
CONDITION #1**

Dziza made a motion to amend condition #1 to read: The residential lots shown on the preliminary plat shall be aggregated into one residential lot.

The motion was carried by quorum.

**STRIKE  
CONDITION #7**

Dziza made a motion seconded by Lapp to strike condition #7.

The motion was carried by quorum.

**ADD  
SUBSTITUTE  
CONDITION #7**

Robertson made a motion to add a substitute condition #7 to read: On the east side of lots 3 & 4, all existing desirable vegetation shall remain and all dead, diseased, and dying vegetation shall be removed and replaced.

The motion was carried by quorum.

**STRIKE  
CONDITION #9**

Dziza made a motion seconded by Robertson to stroke condition #9.

The motion was carried by quorum.

**AMEND  
CONDITION #3  
(Withdrawn)**

Robertson made a motion to eliminate the words "and" and "telephone".

The Board discussed this motion and made some suggestions.

Robertson withdrew her motion.

**BOARD  
DISCUSSION**

Toavs asked what they do now at the marina to clean off the boats and if they have to take them somewhere to be cleaned.

Manning pointed out the current "detail" area on the plat map and said there is currently water available there.

Toavs asked if there is already a catch basin there for contaminates or if it just runs off.

Manning said there is nothing there.

**AMEND  
CONDITION #4**

Robertson made a motion seconded by Toavs to change wording in condition #4 from "two residential lots" to "one residential lot."

DeKort asked if the Board was going to keep condition #8 and continued to talk about condition #4.

Robertson reworded her motion to change the wording from "two residential lots" to "three lots."

The motion was carried by quorum.

**BOARD  
DISCUSSION**

Cross wanted to make sure they were approving buildable lots.

Shaw showed a “blown-up” map to the Board to clarify. She pointed out the steep areas.

**AMEND  
CONDITION #8**

DeKort made a motion seconded by Robertson to add on the end of condition # 8 “lots 3 & 4”.

The motion was carried by quorum.

**ADD CONDITION  
#16**

Toavs made a motion seconded by Dziza to add condition #16 to read: The applicant shall obtain approach permits for access onto Holt Drive from the Flathead County Road Department. The approaches shall be built and receive final inspection prior to submittal of final plat.

**BOARD  
DISCUSSION**

Shaw asked a question of the Board regarding the lots.

Cross commented on suitable building sites.

Cross said the staff report is confusing, because of the revisions, and would like to see it cleaned up. He said it's not his fault the applicants made changes during their negotiation sessions.

The Board commented on their options.

**SUBSIDIARY  
MOTION TO  
CONTINUE**

Cross made a motion to continue report FPP 06-49 until such time Staff can revise the report to include two lots and field verify that there is an acceptable building lot on combined lots 1 & 2.

**BOARD  
DISCUSSION**

Larsen asked Staff if there's a time frame and if the Board would have to get permission from the applicants for additional time.

Shaw said the problem is scheduling a November meeting. She said the applicant did come in and talk about making changes. She said she informed them it would have to be a new application and they were unwilling at that point to change the meeting date. She said she wrote the staff report based on the information that was in front of her; not what was being proposed.

The Board discussed continuing vs. tabling.

Cross talked about buildable lots.

Larsen said by tabling this project they are asking Staff to revise the staff report.

Grieve said November 15<sup>th</sup> will probably be the next available review date.

**SUBSIDIARY  
ROLL CALL  
TO CONTINUE**

On a roll call vote the motion passed unanimously.

**PRELIMINARY  
PLAT/ HODGE  
CREEK SOUTH  
AMD PLAT LOTS  
1 & 2 (FPP 06-50)**

A request by Tom Brake for Preliminary Plat approval of the Amended Plat of Lots 1 and 2 of Hodge Creek South Subdivision, a four (4) lot single-family residential subdivision on 58.45 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 6380 Ashley Lake Road and 203 Hodge Creek Drive.

**STAFF REPORT**

Annie Thompson reviewed Staff Report FPP 06-50 for the Board.

**BOARD  
QUESTIONS**

Cross asked how many lots the original Hodge Creek South development has.  
Staff said 5 lots.

**APPLICANT**

Joe Kauffman, of Big Sky Surveying, represented the applicant, Tom Brake. He talked about doing a LOMA, potential weed problems and thinning on the property. He said they have no problems with the conditions.

**AGENCIES**

None present.

**PUBLIC  
COMMENT**

Chris Damrow, 600 Half Moon Rd in Columbia Falls (with Stoltze Land & lumber) talked about a 60-ft easement and said they feel neutral about this project.

Robertson asked if that would make lots 2 and 4 unbuildable.

He wasn't really sure.

Robertson asked if they ever use the easement.

He said they have used the easement.

DeKort asked if there is a road up there.

He pointed some things out on the map.

Toavs asked if there has been any opposition to getting the easement.

He said no, but wasn't sure about the new homeowners. He read a list of people who would be involved in granting the easement.

**APPLICANT  
REBUTTAL**

Kauffman said he wasn't aware of a potential issue with Stoltze. He talked about the original Hodge Creek South and said there was an existing 60-ft easement on the Final Plat.

Robertson asked if there was any reason the easements weren't show on the preliminary plat maps.

Kauffman talked about the original preliminary plat and an existing road.

**STAFF  
REBUTTAL**

Thompson hadn't heard anything about the easements before. She said if the easement continues to exist across lots 2, 3, and 4 there may be a significant issue with the Subdivision Regulations. She said there could be a condition in regards to the easement.

<b>STAFF REBUTTAL...</b>	Larsen said if that were a condition it would have to be taken care of prior to filing final plat.
<b>MAIN MOTION</b>	Lapp made a motion seconded by Toavs to adopt Staff Report FPP 06-50 as findings of fact as amended and recommended approval to the Board of County Commissioners.
<b>ADD CONDITION</b>	Robertson made a motion seconded by Cross to add a condition stating there will be no further subdivision of any of the four lots.  The motion was carried by quorum.
<b>BOARD DISCUSSION</b>	Robertson commented on building setbacks, particularly from the creek.  Larsen asked someone to make a condition regarding the easement.
<b>ADD CONDITION</b>	Cross made a motion seconded by Robertson to add a condition to state: Existing easements across the proposed lots must be satisfactorily exchanged for an easement along Hodge Creek Drive prior to final plat approval.  The motion was carried by quorum.
<b>ADD CONDITION # 12D</b>	DeKort made a motion seconded by Robertson to add condition #12d to state: No development or fill activity shall take place within the designated floodplain, and within 50 feet of the high water mark of Hodge Creek.  The motion was carried by quorum.
<b>BOARD DISCUSSION</b>	The Board further discussed the easement issue.  Larsen asked if you get a title report for subdivisions.  Shaw said it is included with final plat submission.  Toavs said easements would be recorded and should show up on a title report.  Cross commented on Stoltze. He said the original Hodge Creek South has final plat and there was an easement then that wasn't caught; he said it could be missed again.  Lapp said some people up there might not want logging trucks going through their land.  Robertson said sometimes subdivisions come in and people end up landlocked because of access issues.  Lapp said now that Stoltze is watching the easement issue, he doesn't think it will be missed again.  Kauffman said on the final plat of Hodge Creek South, he knew Stoltze had an easement on Hodge Creek Drive therefore it was changed from 60 feet to 66 feet.

	Larsen asked if they were granted an easement.
<b>BOARD DISCUSSION CONTINUED...</b>	<p>Kauffman said yes, but apparently the paperwork didn't get completed.</p> <p>Larsen said it shows an easement but it never got granted.</p> <p>Kauffman said the developer failed to finish granting that easement.</p> <p>The Board continued to discuss the easement issue.</p>
<b>ADD CONDITION</b>	<p>Robertson made a motion seconded by DeKort to add a condition to state: No lot shall be split by an easement.</p> <p>The motion was carried by quorum.</p>
<b>REVISE CONDITION #6</b>	<p>DeKort made a motion seconded by Robertson to revise condition #6 to read: The developer shall follow the weed abatement/weed eradication plan in accordance with the recommendation of the Flathead County Weed &amp; Parks Department.</p> <p>The motion was carried by quorum.</p>
<b>REMOVE CONDITION #12E</b>	<p>Thompson asked the Board for a motion to remove 12e because it's already addressed.</p> <p>Dziza made a motion seconded by DeKort to remove condition #12e.</p> <p>The motion was carried by quorum.</p>
<b>MAIN MOTION ROLL CALL</b>	On a roll call vote the motion passed 5-2 with DeKort and Robertson dissenting.
<b>PRELIMINARY PLAT/ WINTERCREST COUNTRY ESTATES (FPP 06-40)</b>	A request by Patricia Zinke for Preliminary Plat approval of Wintercrest Country Estates, a seventeen (17) lot single-family residential subdivision on 24.78 acres. Lots in the subdivision are proposed to have public water and individual septic systems. The property is located at 178 Wintercrest Drive, within the Highway 93 North, R-2 (One-Family Limited Residential) Zoning District.
<b>STAFF REPORT</b>	Traci Sears-Tull presented Staff Report FPP 06-40 for the Board.
<b>BOARD QUESTIONS</b>	<p>Cross asked about the subdivisions proximity to the City of Kalispell.</p> <p>Tull said it's north of Reserve Drive and said the City is thinking about annexing clear up to Church Drive, which is west of this proposal.</p>
<b>APPLICANT</b>	Andy Belski, of Flathead Geomatics, reiterated the subdivision request. He talked about extending Wintercrest Drive and said the applicant has offered to pave the whole road including the proposed extension. He talked about the public water system, septic systems, common space, depth-to-groundwater monitoring, and the road variance. He commented on the design of the subdivision and said there is only so much you can do with 20 acres.

<b>AGENCIES</b>	None present.
<b>PUBLIC COMMENT</b>	<u>Brian Topp</u> , 186 Wintercrest, said his only concern is a seasonal spring in the area and stated there is sometimes standing water. He talked about the gulley and said he used to float it when he was a kid. He showed a photo to the Board and pointed some things out on the plat map.
<b>STAFF REBUTTAL</b>	Tull had concerns about the creek that was just mentioned.
<b>APPLICANT REBUTTAL</b>	<p>Belski said they took the creek into consideration from the beginning and planned for a 100-ft setback from the creek.</p> <p>Robertson asked about the common area and asked if there's a culvert under the road that goes to the common area.</p> <p>He said they will provide for flow, if necessary, and said it is seasonal. They didn't see anything there this year.</p>
<b>MAIN MOTION</b>	Robertson made a motion seconded by DeKort to adopt Staff Report FPP 06-40 as findings of fact as amended and recommended approval to the Flathead County Commissioners.
<b>BOARD DISCUSSION</b>	<p>Lapp asked if they need a condition regarding parkland dedication.</p> <p>Tull said yes.</p> <p>DeKort asked about a condition for the 100-ft setback from the seasonal creek.</p> <p>Tull said there wasn't one in the current report.</p> <p>Cross commented on the variance request.</p>
<b>ADD CONDITION #19</b>	<p>Robertson made a motion seconded by Cross to add a condition to read: There shall be a boundary line adjustment moving the northern portion of parcel B COS 10802, which contains 3.74 acres, to be used for water system and well protection easement and common area for Wintercrest Country Estates.</p> <p>The motion was carried by quorum.</p>
<b>BOARD DISCUSSION</b>	<p>Cross asked if Staff incorporated Mr. Haffermans requested language into the report.</p> <p>Staff said yes; condition 18.</p>
<b>ADD CONDITION #20</b>	<p>DeKort made a motion seconded by Robertson to add a condition to read: There shall be a 100 foot setback maintained from the seasonal creek in the property and shall be shown on the face of the final plat.</p> <p>The motion was carried by quorum.</p>



**BOARD  
DISCUSSION**

Lapp commented on contour lines.

Toavs talked about a mailbox site and safety.

**ADDITION TO  
CONDITION #8**

Toavs made a motion seconded by Robertson to add a sentence on to the end of condition # 8 to read: The applicant may want to relocate the existing site to a safer location around the corner.

The motion was carried by quorum.

**ADD CONDITION  
#21**

Lapp made a motion seconded by DeKort to add condition # 21 to read: As indicated on the plat the 1.16 acres of common area and the water system and well protection zone site, as addressed in condition 19, shall be dedicated as common area.

The motion was carried by quorum.

**BOARD  
DISCUSSION**

Robertson talked about the easement and said it should be fenced to keep people on the path and out of the yard of the lot owner.

Cross asked the applicant if the 25-ft road utility easement, shown on the plat, runs north south or east west.

The applicant said it runs north south.

The Board further discussed the easement.

**ADD  
CONDITION #22**

Robertson made a motion seconded by Dziza to add condition #22 to read: The Water System and Well Protection Zone easement shown between lots 12 and 9 shall also be dedicated as a pedestrian access easement.

The motion was carried by quorum.

**BOARD  
DISCUSSION**

Toavs continued to talk about the easement and the private road.

Robertson said Hwy 93 is to the west and talked about access.

Larsen said the Board would have a hard time addressing the road easement issue.

Grieve said having it reserved and making it available for future interconnectivity should be sufficient.

Cross said this area struck him as an ideal area for a cluster subdivision.

Tull commented on the road variance and said this area was rezoned to R-2 a few years ago. She talked about the seasonal creek and mitigating concerns. She talked about building sites and said it would be a good idea to include a condition restricting daylight basements and crawl spaces and said the lowest floor should be elevated at least 2 feet above natural grade. She read a few conditions for the Board's consideration.

The Board talked amongst themselves for several minutes.

<b>ADD CONDITION</b>	<p>Cross made a motion seconded by Robertson to add a condition to state: On lots 6, 7, 13, 14, 15, and 16, no basements shall be allowed and the lowest floor and gas-forced air system ducts below the floor must be elevated at least 2 feet above natural grade.</p> <p>Cross said this language comes direct from FEMA regulations.</p> <p>The Board further discussed wording for this motion.</p> <p>Cross withdrew this motion.</p>
<b>ADD CONDITION #23</b>	<p>Cross made a motion seconded by Robertson to add condition #23 to read: No basements shall be allowed for any building sites with a contour line of 70 feet or less. The lowest floor and gas forced air system with ducts below the floor shall be elevated at least 2 feet above natural grade.</p> <p>The motion was carried by quorum.</p>
<b>MAIN MOTION ROLL CALL</b>	<p>On a roll call vote the motion passed unanimously.</p>
<b>PRELIMINARY PLAT/ CROWN JEWEL ESTATES (FPP 06-39)</b>	<p>A request by Warren and Betty McConkey for Preliminary Plat approval of Crown Jewel Estates, a twenty-three (23) lot (17 single-family, and 6 townhome) residential subdivision on 115.0 acres. All lots in the subdivision are proposed to have public water and septic systems. The property is located at 3855 Lower Valley Road.</p>
<b>STAFF REPORT</b>	<p>Traci Sears-Tull reviewed staff report FPP 06-39 for the Board.</p>
<b>BOARD QUESTIONS</b>	<p>Larsen asked about base flood elevation and thought it was 2893.</p> <p>Tull said this particular area has cross-sections, provided on the FEMA map, and it shows this area is 2894. She said there is a backwater curve.</p>
<b>APPLICANT</b>	<p>Johna Morrison, of Schwarz Engineering, represented the applicant, Mr. McConkey. She displayed plats for the Board and pointed some things out. She talked about lot size, septic systems, wildlife concerns, floodplain, road length, and surrounding parcels. She said she did some research at the Plat Room and said 5 acres is the “norm” for the area.</p> <p>Joe Matulovich, of Schwarz Engineering, is trained as a Geologist and works as a trained environmental technician. He said the only evidence provided regarding groundwater on this property was from him. He talked about floodplain, base flood elevation, topography, lake elevation of Flathead Lake, soils, percolation tests, and groundwater. He commented on condition #20, recommended by Hafferman of the DNRC and asked about obtaining water rights permits.</p>
<b>AGENCIES</b>	<p>None present. Tull said seven letters were submitted regarding this proposal.</p>
<b>PUBLIC COMMENT</b>	<p><u>Warren McConkey</u>, the applicant, wanted to tell the Board what the proposal is all about. He said this subdivision is his family’s way to survive because farming today is under stress. He said this is a plan to cluster lots on the</p>

**PUBLIC  
COMMENT  
CONTINUED...**

highest area of the property while maintaining the rest in open land. He talked about wildlife and where they tend to hang out. He said it makes sense to let people know the plan for this property ahead of time. He said they don't intent to sell all of the lots; just as many as they need to stay financially viable. He said they are keeping this an equestrian theme and said they will have riding areas and stables on the reserved farm area. He said the Lower Valley area is being developed. He talked about lots being created in this area, many of which were by family transfers and minor subdivision. They are trying to create something nice that won't end up in weed patches. He talked about the size of the lots and the townhouse lots and said they are for affordability, possibly for retired folks or young couples who can't afford large homes. The whole plan is for relatively small lots with a lot of open area providing great view-sheds. He talked a bit about floodplain and said this area is not prone to severe flooding.

DeKort asked where the dike exists.

McConkey pointed it out on the map. He said it was built in the 1930's as a precursor to Kerr Dam.

DeKort asked if they have ever had water problems.

McConkey said there has not been flooding; there was water-pooling from heavy snow melt in 1997. He pointed out on the map where the water pooled and said he farmed around it that year. They tried to pump it out into the slew, early in the year, but said in May there was another heavy rain event so he gave up and just farmed around it.

Robertson wanted to see the 4 corners of the 115 acres on one of the maps.

McConkey pointed it out on the map and clarified a few things.

Doug Buffington, 3625 Lower Valley Rd, would rather see no development on this land but would rather see a clustered development rather than 5-acre lots. He knows Mr. McConkey wouldn't do anything with it if he could afford to keep farming it.

Harry Woll, 3707 Lower Valley Rd, has lived there all his life. He handed out a letter to the Board members. He talked about some of his concerns in regard to flooding and proceeded to read his letter.

Pete Woll, PO Box 353 in Somers, said he is a retired civil engineer and has farmed all his life. He has seen the deep water on that property. He talked about all the Boards he serves on and says groundwater is an issue for all of them. He said once Flathead Lake is contaminated it is lost forever. He said the valley has been in a drought for years and they are just now seeing springs come back to life. He said groundwater is influenced by Flathead Lake, snow, and precipitation.

**STAFF  
REBUTTAL**

Tull talked about floodplain and base flood elevation. She showed the Board some flood maps and further explained her calculations.

**APPLICANT  
REBUTTAL**

Matulovich commented on the history of water existing in the draw. He said he has not seen any water in the draw and said its lowest elevation is 7-8 feet

**APPLICANT  
REBUTTAL**

below their drainfield sites. He talked about the dike and said it provides protection. He continued to talk about flooding and said there isn't a personal conflict with the neighbors. He said they have tried to be straight-forward from the beginning.

Robertson asked for clarification on a 160-acre conservation easement east of the McConkey property.

Morrison said it's the Sowerwine property.

**MAIN MOTION**

Dziza made a motion seconded by Toavs to adopt Staff Report FPP 06-39 as findings of fact as amended and recommended approval to the Flathead County Commissioners.

**BOARD  
DISCUSSION**

Dziza talked about farmers and said many have asked for flexibility to be able to do a project like this. He talked about groundwater, overall density, and clustering. He said they will probably see more of these situations where farmers are trying to save the family farm. He thinks the road has capacity for this and thinks the project follows the guidelines. He mentioned the hunting issue and said he was surprised to find out it is private land around there. He doesn't think hunting should have been addressed as a concern. He said groundwater issues have been addressed. He said this may be the first cluster subdivision in the area but thinks it's something that should be encouraged. He said the issue of affordability was addressed and likes the idea of a working person being able to afford a home.

Robertson pointed out a small portion on a little over 1 acre with one spec-house on it priced at \$479,000. She mentioned a conservation easement in the area.

Someone from the audience said it is the Blasdel Waterfowl Production area.

Cross asked Staff what percentage of the open space is in the 100-year floodplain.

Tull said approximately 90-93% is in the floodplain.

Cross said it's undevelopable land and doesn't understand how this could be a cluster when he can't do anything with the open space anyway. He said this is an intense development and it's almost like a "freebie" because he's not really giving anything up.

Larsen said there are a few things he could do with the floodplain area of the property including an RV development.

Cross said yes it's a cluster but from another viewpoint it's an intense use of the property.

Lapp said Dziza hit on all the things he could think of. He said it's good that the open area could still be used for agricultural purposes.

Larsen commented on the letter from Environmental Health and said their recommendation is in direct violation with the current County Master Plan.

**BOARD  
DISCUSSION  
CONTINUED...**

He doesn't understand their recommendation and said right across the street there's a bunch of septic systems, some of which are lower than where they are proposed in this development. He talked about regulations for DEQ and said they require you to show seasonal high groundwater. He said he didn't see any ponding where these proposed lots are. He said the Planning Board has been asking for cluster developments for years and now that they have one everyone seems to find a reason why they don't want it or understand it. He talked about traffic capacity and said the breakdown capacity for a two lane road is about 2000 vehicles per hour. He said the road in question has a breakdown capacity of about 1500 vehicles per hour. 544 vehicles per day is what has been projected; that's 54 vehicles per hour, at peak hour, and when divided by the capacity (1500) it's overall 4% of the breakdown capacity. He doesn't see how that would be considered too much traffic for the road to handle. He commented on the hunting issue, level 2 septic systems, groundwater flow, and DEQ. He said at this point he would like to see a cluster subdivision going in and doesn't think this property has significant groundwater issues where the lots are proposed.

DeKort agreed with Cross and said this is a cluster development not appropriate for this area. He said this could be the start to ruining the area and commented about what's currently out there.

**AMEND  
CONDITION #9**

Toavs made a motion seconded by Robertson to change condition #9 to read: The subdivider will install a public water system and Level 2 sewage treatment system to serve all lots. The public water system and Level 2 sewage treatment system will be reviewed by Flathead City-County Health Department and approved by the State of Montana Department of Environmental Quality.

The motion was carried by quorum.

**AMEND  
CONDITION #11**

Robertson made a motion seconded by Cross to amend condition #11 to read: The open space (99.2 acres), which is located entirely within the 100-year floodplain, will be placed under a perpetual deed restriction to preserve the land for agricultural and environmental purposes. No more subdivision shall take place.

The motion was carried by quorum.

**ELIMINATE  
CONDITION #15g**

Robertson made a motion seconded by Larsen to eliminate condition #15g.

Robertson said her motion was up for discussion but said it makes it sound like a "given" that people will be out there shooting.

Lapp agreed.

Robertson said it's up to the individual property owner.

The motion was carried by quorum.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion passed 4-3 with Cross, DeKort, and Robertson dissenting.

**ELIMINATE  
FINDING-OF-  
FACT #4**

Dziza made a motion seconded by Cross to eliminate Finding-of-Fact #4.

The motion was carried by quorum (DeKort and Robertson opposed).

**BOARD  
DISCUSSION**

Cross asked Tull about an elevation difference.

Tull responded.

The Board discussed elevation and the open space.

Larsen said the open space is about 1 ft below the elevation of Flathead Lake.

Tull said 1-ft is probably accurate.

**AMEND  
FINDING-OF-  
FACT #3**

Cross made a motion seconded by Robertson to amend Finding-of-Fact #3 to read: Information regarding flooding in this area was submitted at the public hearing on August 24, 2005 and October 18, 2006. Further review of this information indicates that portions of the site in the open space areas are located approximately one foot lower than the elevation of Flathead Lake at full pool and that portions of the site are historically prone to flooding.

Tull commended the applicant and the technical staff for offering the conditions regarding the 500-year floodplain.

The motion was carried by quorum.

**BOARD  
DISCUSSION**

Robertson thinks this is a good proposal and doesn't really have a problem with it. She wishes it wasn't quite as dense but thinks clustering is a good idea for the area.

**ADD FINDING-  
OF-FACT  
(later added as  
#4)**

Dziza made a motion seconded by Lapp to add a Finding-of-Fact to read: The proposed cluster lots are compatible with the 1987 Master Plan and will serve to protect farming in the area.

The motion was carried by quorum.

**AMEND  
FINDING-OF-  
FACT #5**

A motion was made to amend Finding-of-Fact #5 to read: Onsite non-degradation studies conducted by the applicant show that the proposed Level 2 septic system may be the best alternative for this property.

The motion was carried by quorum.

**AMEND  
FINDING-OF-  
FACT #7**

Cross made a motion seconded by Robertson to change the word "all" to "almost entirely" so Finding-of-Fact #7 reads: The 99.2-acre remainder parcel is located almost entirely within the 100-year floodplain and is not developable under Sections 3.3, 3.4, and 3.5 of the Flathead County Subdivision Regulations. The land should be placed in a perpetual deed restriction easement to preserve the land for agricultural and environmental purposes.

The motion was carried by quorum.

**ADD FINDING-  
OF-FACT(later  
added as #8)**

Dziza made a motion seconded by Lapp to add a Finding-of-Fact to read: Onsite groundwater monitoring does not show evidence of high ground water.

The motion was carried by quorum (Cross, DeKort, & Robertson opposed).

**CHANGE  
WORDING IN  
STAFF REPORT**

Cross made a motion seconded by Dziza to strike the word "recommendation" and replace it with the word "conditions" in bold.

**OLD BUSINESS**

The Board discussed recommendations.

Grieve said his understanding from Jon Smith is when the Board makes a recommendation, which is different from Staff recommendation it's okay as long as the Findings-of-Fact are changed. He said the Staff Report doesn't have to be modified and it can be more or less viewed as Staff's research.

Cross mentioned an email the Board received, which was confusing. It made him unsure as to whether or not Staff always makes changes to the conditions even if the Board voted to do so. He said they reviewed Findings-of-Fact one by one and the report still wasn't changed.

Johna Morrison, called for a Point-of-Order and asked the Board to re-vote on the main motion since changes were made to the Findings-of-Fact after roll call.

Larsen said they have always voted and then made modifications and didn't think that was necessary. He reiterated they would forward this to the Commissioner's with a favorable recommendation.

Morrison stated she was concerned for legal reasons.

**NEW BUSINESS**

Grieve commented on the Impact Fee Advisory Committee and mentioned the Board wanted a couple Board members on the committee.

Larsen made a motion seconded by DeKort to appoint Robertson and Fleming to the Impact Fee Committee.

The motion was carried by quorum.

Grieve asked the Board if they were okay with reviewing the South Fork Addition to Hungry Horse project on December 20<sup>th</sup>.

**ADJOURNMENT**

The meeting was adjourned at approximately 11:00 p.m. on a motion by Robertson seconded by DeKort. The next meeting will be held at 6:00 p.m. on November 15, 2006.

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Jeff Larsen, President

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Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 12/6/06